

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DISTRICT OF TX
FILED

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PERCY FOREMAN,

§

Petitioner,

§

v.

2:14-CV-0132

WILLIAM STEPHENS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

§

Respondent.

§

ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION
and DENYING PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner has filed an application for a writ of habeas corpus challenging a state prison disciplinary decision. On June 9, 2014, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the habeas application be denied because petitioner is not eligible for mandatory supervised release. On June 20, 2014, petitioner filed objections to the Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case. Petitioner's objections are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the application for a writ of habeas corpus filed by petitioner is DENIED.

Petitioner references in his habeas application that the disciplinary conviction has resulted in the denial of necessary medical treatment. In his objections to the Report and Recommendation, petitioner also indicates he is not "challenging the length of his confinement" but, instead, the manner in which the disciplinary decision affects his "serious medical needs treatment for [his] Hepatitis C." Petitioner states the disciplinary decision has subjected him to "an atypical and significant hardship in

relation to the ordinary incidents of prison life," that he is "being deprive[d] and punish[ed]," discriminated and retaliated against, in violation of his right to receive adequate medical treatment. If it was petitioner's intent to seek relief from the conditions of his confinement, he should have filed a civil rights action seeking an exception to his bar from proceeding *in forma pauperis* due to numerous prior frivolous filings.

IT IS SO ORDERED.

ENTERED this 1st day of July 2014.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE